

GRANT OF EASEMENTS

BOSTON REDEVELOPMENT AUTHORITY, a public body, politic and corporate, duly organized and existing pursuant to Chapter 121B of the General Laws of Massachusetts, having its usual place of business in Boston, Suffolk County, Commonwealth of Massachusetts, (the "Grantor"), for consideration paid, grants unto BOSTON EDISON COMPANY, a Massachusetts corporation and electric company having its principal place of business at 800 Boylston Street in said Boston, (the "Grantee"), with QUITCLAIM COVENANTS, rights and easements over, across, upon and under the strip of land in said Boston shown as "Utility Easement" on plan hereafter mentioned, all as hereinafter described:

1. Perpetual subsurface rights and easements for all utility purposes including, without limitation, one or more lines, conduits, ducts, pipes, mains, wires and cables together with any necessary manholes or other appurtenances for the conveyance or transmission of electricity at high or low voltage, and of water, sewer, drainage, gas, telephone or any other utility service, and including also all necessary or desirable rights to install, construct, maintain, repair, renew, add to or remove any or all of the foregoing as well as the right to enter upon said "Utility Easement" area for such purposes with the required personnel, vehicles and equipment.

The Grantee agrees that in each instance that the surface of said "Utility Easement" area, or any portion thereof, is excavated in connection with the exercise of such rights and easements therein, it will, (a) during the time such work is in progress, provide a reasonably convenient and safe means of access to and egress from the two buildings abutting upon the "Utility Easement" area, (b) complete such work as speedily as possible under the circumstances, and (c) thereafter, upon the completion of the work, restore such surface and improvements thereon as soon as may be practicable to substantially their previous condition.

Such rights and easements include also the perpetual right to clear and keep clear said "Utility Easement" area of buildings and other structures, trees, bushes, shrubs and all other natural growth, except as may be otherwise agreed in writing, it being understood that permission to maintain such structures and natural growth as may be requested within said "Utility Easement" area will not be unreasonably withheld.

Said "Utility Easement" area contains 3,741 square feet and the same is a portion of the land shown on a plan entitled "BOSTON REDEVELOPMENT AUTHORITY SOUTH END URBAN RENEWAL AREA PROJECT MASS. R-56 BOSTON - SUFFOLK COUNTY - MASSACHUSETTS DELIVERY PARCEL PLAN PARCEL 19a-2, dated December, 1974 prepared by C. E. Maquire, Inc. Waltham, Massachusetts, referred to in deed of the Grantor to Vivendas Associates, dated May 9, 1975, registered in Suffolk Registry District as Document No. 323583 and recorded with Suffolk Deeds, Book 8785, Page 403, and being the same plan for all the purposes of this deed, as C. E. Maquire, Inc. plan bearing the same title, dated May, 1974, filed and recorded with an Order of Taking by the Grantor, dated January 23, 1975, in said Registry District as Document No. 322492, and with said Deeds, Book 8766, Page 609.

Said "Utility Easement" area is bounded and described as follows:

Beginning at a point on the Northeasterly sideline of West Canton Street, said point being S41° -55'-03"E one hundred forty-three and thirty-sixth hundredths (143.36) feet from the point of intersection of said Northeasterly sideline of West Canton Street and the Southeasterly sideline of Tremont Street, and running on the following courses and distances:

By land (Parcel 19a-5) now or formerly of the Boston Redevelopment Authority, by land now or formerly of E. T. C. Developers, Inc. by land (Parcel 19a-6b) now or formerly of said Boston Redevelopment Authority, and by land now or formerly of the Boston Edison Company S 41° -55'-03"E two hundred sixty-one and seventy hundredths (261.70) feet to a point of non tangency; thence by the Northerly sideline of West Canton Street by a partial curve to the left of fifty-six and eighty-five hundredths (56.85) feet radius eighty-two and thirteen hundredths (82.13) feet to a point; thence by land (parcel 19a-2) now or formerly of said Boston Redevelopment Authority N41° -55'-03"W one hundred forty-eight and ninety hundredths (148.90) feet to a point; thence by the Southerly sideline of West Canton Street by a partial curve to the left of fifty-six and eighty-five hundredths (56.85) feet radius eighty-two and thirteen hundredths (82.13) feet to the point of beginning, containing an area of eight thousand, seven hundred forty-one (8,741) square feet, more or less.

For said consideration, the Grantor grants also unto the Grantee the following easement, namely:

2. An "Access Easement" on that area within said "UTILITY EASEMENT" described above designated as Lot 5 on Land Court Plan No. 23065D consisting of the perpetual right and easement to pass and repass on foot and with all types of motor vehicles and equipment customarily used by an electric public utility company over and across said parcel for the purposes of installing, maintaining, repairing, renewing, adding to and removing the facilities and equipment of the Grantee which, together with all necessary or desirable appurtenances, are now or may hereafter be located in or upon the Grantee's electric substation (310th Station) situated on the northeasterly side of said West Canton Street and being the area marked on said Maquire plan "n/f Boston Edison Company" and designated as Lot 7 on said Land Court Plan No. 23065D.

Said "Access Easement" area is marked "Access Easement To Boston Edison Co." on said Maquire plan dated December, 1974, and is shown thereon as containing 482 square feet. The same parcel, as shown on said Land Court Plan No. 23065D, includes minor revisions in certain of the boundary line distances, thereby resulting in a computed area of approximately 486.5 square feet.

Under circumstances which in the reasonable judgment of the Grantee constitute extraordinary emergency conditions including, without limiting the generality of the foregoing, cases of failure of transformers or other principal substation equipment or destruction of the same by fire or other casualty, the Grantee shall have the right to permit its said vehicles and equipment to remain standing upon said "Access Easement" area as reasonably required in order to perform essential and/or unusual maintenance or repairs, replacements and/or removal upon or of any substation installation, equipment or other facility, it being understood that such right shall be utilized only when such emergency operation cannot, pursuant to methods commonly utilized in the industry, feasibly be otherwise accomplished and it being understood further that such vehicles and equipment may remain standing thereon only.

for such minimum period of time as may be required to complete the work which in all cases the Grantee shall carry on with all possible diligence.

For reference to title, see said Order of Taking dated January 23, 1975, a previous Order of Taking dated September 26, 1974, registered in said Registry District as Document No. 321257, recorded with said Deeds, Book 8742, Page 500, and also, as to a portion of the premises, a deed from Boston Housing Authority to the Grantor, dated May 7, 1975, recorded with said Deeds, Book 8785, Page 402.

The hereinbefore described "Utility Easement" and "Access Easement" areas include all or portions of parcels of land title to which is registered to the Grantor under the certificates of title listed below, filed in said Registry District as indicated, namely:

A. Certificate No. 80305, Book 397, Page 105, Lot 2 on Plan No. 4623C;

B. Certificate No. , Book , Page , Lot 6 on Plan No. 23065D.

Said "Utility Easement" area includes also the parcel of land heretofore registered to the Grantor under Certificate of Title No. 86409, filed in said Registry District, Book 428, Page 9 said parcel being now registered to Vivendas Associates under Certificate of Title No. 86665, filed in said Registry District, Book 429, Page 65.

The Grantor retained the right to grant the above described rights and easements to the Grantee in and by its deed to said Vivendas Associates by which was conveyed said land previously registered to the Grantor under said Certificate of Title No. 86409 together with adjacent registered and unregistered land, said deed being dated May 9, 1975 and registered in said Registry District as Document No. 323583.

IN WITNESS WHEREOF, said BOSTON REDEVELOPMENT AUTHORITY has caused this instrument to be executed under the corporate seal,

acknowledged and delivered by its officer thereunto duly authorized, this day of , 1975, at Boston, Massachusetts.

BOSTON REDEVELOPMENT AUTHORITY

By: Robert T. Kenney, Director

Commonwealth of Massachusetts

Suffolk, ss. Boston

1975

Then personally appeared before me the above named ROBERT T. KENNEY who executed the foregoing instrument on behalf of the Boston Redevelopment Authority and acknowledged the same to be the free act and deed of said Authority.

Notary Public

My commission expires:

MEMORANDUM

TABLED: January 14, 1976
RESUBMITTED: January 29, 1976

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT T. KENNEY, DIRECTOR

SUBJECT: GRANT OF EASEMENTS TO BOSTON EDISON COMPANY
SOUTH END URBAN RENEWAL AREA

SUMMARY: This Memorandum requests that the Authority authorize the Director to execute a Grant of Easements to Boston Edison Company over a portion of Disposition Parcel 19a-2.

On May 12, 1975, the Authority conveyed seven disposition parcels to Vivendas Associates, including Parcel 19a-2, for the construction of 181 units of low-moderate income housing.

A portion of Parcel 19a-2 was registered land owned by Boston Edison prior to the Authority's taking on September 26, 1974. This registered land was situated in West Canton Street and abutted an Edison Substation. In its conveyance of Parcel 19a-2 to Vivendas Associates, the Authority reserved the right to grant a utility and access easement to Edison in the portion of Parcel 19a-2 which was formerly a part of the now discontinued West Canton Street. Edison, in turn, by a Board Vote, has authorized its Officers to execute a confirmatory deed of the registered land acquired by the Authority's taking, and also execute any releases of claims or damages suffered by Edison as a result of said taking. State Street Bank and Trust Company, the mortgagee of the registered land which the Authority acquired, has also released to the Authority any claims it may have by reason of said taking.

It is appropriate at this time for the Authority to authorize the Director to execute an affirmative grant of easements over a portion of Disposition Parcel 19a-2. An appropriate Vote follows:

VOTED: That the Director is hereby authorized to execute and deliver on behalf of the Boston Redevelopment Authority an Affirmative Grant of Easements to the Boston Edison Company with reference to a portion of the land contained in Disposition Parcel 19a-2 shown as "Utility Easement" containing approximately 8,741 square feet, and "Access Easement" containing approximately 482 square feet on a plan entitled "Boston Redevelopment Authority South End Urban Renewal Area Project Mass. R-56, Boston-Suffolk County-Massachusetts, Delivery Parcel Plan, dated December, 1974, prepared by C.E. Maguire, Inc., Waltham, Massachusetts," said Affirmative Grant of Easements being in substantially the form attached hereto.